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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/997,677	12/23/97	WALKER	J WD2-97-324

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INTELLECTUAL PROPERTY DEPARTMENT
WALKER DIGITAL CORPORATION
ONE HIGH RIDGE PARK
STAMFORD CT 06905

EXAMINER

ISSING, G

ART UNIT	PAPER NUMBER
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3662

19

DATE MAILED:

07/27/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

08/997,677

Applicant(s)

WALKER ET AL.

Examiner

Gregory C. Issing

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 22 and 23 is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claims ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some * c) ☐ None of the CERTIFIED copies of the priority documents have been:
1. ☐ received.
2. ☐ received in Application No. (Series Code / Serial Number) ____.
3. ☐ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 18) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____.

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1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-21 are rejected under 35 U.S.C. 102(a) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Hayasida et al.

Hayasida et al disclose the claimed system for providing navigational instructions including a communication port 1 for transmitting navigational instructions to a display 1 and inputting destination information from a keyboard 1, a storage device 3 which stores files of various data for route guidance including map data and photograph data, and a processing means 4 for executing stored programs for route search operations and route guidance information. As the input device comprises touch switches or coordinate entry means for entering destination data, it is clearly anticipated, or in the alternative, obvious, to also enter a start address by the mere touching or entering of start coordinates. Hayasida et al also suggest that the input/output device be of a remote control device. Furthermore, Hayasida et al disclose the placement of the map data and central processing device in an information source center or the like facility outside the vehicle and the provision of transmitters/receivers to communicate information between the vehicle and the remote information source. Lastly, Hayasida et al also suggest storing the data dependent upon the orientation of the vehicle with respect to the route; thus, as in Figure 13, the

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information along path 1 is stored separately from the information along path 2 which is merely the opposite direction of path 1.

The applicants argue that the prior art does not show the use of photograph orientation information or orienting representations of photographs based on a route of travel via the allegation that Hayasida et al disclose storing road data and not photographs in an information storing device separately. This is contrary to the teachings of Hayasida et al and are thus not convincing, see Figure 13 and its relevant portions at col. 12, line 48 – col. 13, line 31, most particularly at col. 13, lines 3-7, wherein it is stated “since the road data connecting between the intersections I and II is a two-way street, data 1 and data 2 for the opposite directions through the road are separately stored.”. Furthermore, the following prior art, all of which are assigned to the same corporation and directed to substantially similar subject matter, exemplify the separate storage of photograph data based upon the direction of travel as well as the use of the language “road data” to include photographic data; see Yamada et al - Figs. 10(a) and (b), Yokoyama et al – Figs. 4(a) and (c), and Nimura et al ('947) – Figs. 9(a) and (b). Thus, the applicants argument that “road data” only and not photograph data is stored separately is contrary to the teachings of the prior art and therefore not convincing. The fact that the photograph of a road section, for example between intersections I and II, is addressed based upon the direction in which the user is travelling is a clear teaching that the photograph inherently includes orientation information wherein the orientation information is defined by the photograph number.

4. Claims 2-3 and 20-21 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Nimura et al.

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Nimura et al disclose the claimed navigation apparatus including a data processing controller (6) coupled to means (3) for inputting a departure point and a destination point, coupled to means (8) for outputting navigational instructions, and coupled to storage means for processing route data (11), storage means for storing geographical information (12) and storage means for storing photographic information (13) wherein the execution of the data processing means determines the present location of the vehicle, displays a course information map via the display and informs the driver of characteristic features along the way. The characteristic features include the photographic image data. additionally, separate photographic data is stored based upon the direction of travel; thus, the photographic data includes orientation information.

Applicant argues that Nimura et al fails to suggest or teach the use of photograph orientation information or orienting representations of photographs based on the route of travel. Applicants argue that Numura et al "clearly state" that path 1 and 2 are separate roads. This is unsupported by the specification of Nimura et al. In fact, road no. 1 is defined by a road between intersections I and II in a first direction while road no. 2 is defined by the road which is in a direction opposite that of the first direction road between intersections II and I. Additionally, the argument is not convincing since the photograph data of a predetermined path between points I and II (of Figure 4A) are provided based upon the direction of travel in which the vehicle is moving, along path 1 or along path 2, each of which defines a path between the same two intersections. Thus, the photographs are displayed in the direction of travel based upon the position of the user; if the user is routed from intersection I in the direction of intersection II, photograph number 1 will be addressed from the data file whereupon photograph no. 3 will be addressed once the user is at intersection 2 and heading in the direction of intersection III.

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However, the photographs of the road between intersections I and II are separate pictures of the same road based upon the direction of travel and thus inherently incorporate the photograph orientation information in light of the separate address information indicated by "photograph number". Moreover, the photographs numbered 2 and 8 are photographs representative of road sections each including intersection number I but from different directions, based upon the direction of arrival, which meets the scope of orienting photographs based upon the direction of travel. Applicants' argument with regard to "a characterizing figure" is moot with respect to the claim language and the teachings of the prior art.

5. Claims 1 and 4-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nimura et al in view of Ayanoglu et al.

Nimura et al teach the subject matter substantially as claimed as previously set forth but fails to show the use of a remote central processing means, i.e., the claimed communication ports. Ayanoglu et al teach that it is known in the art of vehicle navigation to alternatively store a plurality of databases at a central database station as opposed to on-board a vehicle, as well as the route determination at the central station wherein the map data and route information is communicated to the vehicle and thus minimizes the size and cost of the more numerous vehicle navigation device. Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Nimura et al by moving the majority of data storage and processing to a central base station and thus minimizing the cost and size of a vehicle navigation device.

The applicant argues that Ayanoglu et al fail to suggest or teach the use of photograph orientation information or orienting representations of photographs based on the route of travel.

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This argument does not overcome the rejection since the photograph data/orientation information is taught by Nimura et al and Ayanoglu et al is cited for its teaching of a remote processing facility.

6. Claims 1-21 are rejected under 35 U.S.C. 102(b) as being anticipated by any one of Nimura et al, Yokoyama et al or Yamada et al.

Each of M# teaches an input unit, output unit, memory unit and a central processor unit wherein the CPU determines a route based upon input data and the memory unit as well as outputs guidance information in the form of visual instructions including maps, text and photographs. The photographs are addressed based upon the user location and direction of travel. The user direction of travel meets the scope of the claimed photograph orientation information. The photographs are oriented sequentially in the direction of travel from one intersection to the next. The photographs of roads in opposite directions are separately stored in memory as is ascertained by the respective different photograph numbers. See arguments similar to Hayasida et al above.

7. Claims 22-23 are allowed since the prior art fails to represent each photograph with the coordinates of a location in the photograph and a direction of view of the photograph with respect to the coordinates of the location.

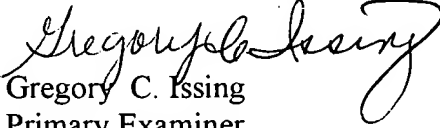
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory C. Issing whose telephone number is (703)-306-4156. The examiner can normally be reached on Mon-Thurs 6:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Tarcza can be reached on (703)-306-4171. The fax phone numbers for the

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organization where this application or proceeding is assigned are (703)-305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.


Gregory C. Issing
Primary Examiner
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